BOROUGH OF CLARKS SUMMIT, PENNSYLVANIA
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROGRAM INSPECTION REPORT

304 SOUTH STATE STREET
CLARKS SUMMIT, PENNSYLVANIA 18411-1592

Report Date: August 18, 2014

Field Activity Dates: June 25–26, 2014

Office of Compliance and Enforcement
U.S. Environmental Protection Agency
Washington, D.C. 20460

U.S. Environmental Protection Agency, Region III
Water Protection Division
Office of NPDES Enforcement (3WP42)
1650 Arch Street
Philadelphia, PA 19103

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DOCUMENTS CITED IN REPORT

Shortened Name	Document Title and Date
EPA Records Request	List of documents the EPA Inspection Team requested from the Borough on June 12, 2014
Borough Engineer	Colwell-Naegele Associates
Permit	*National Pollutant Discharge Elimination System (NPDES), Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), General Discharge Permit (PAG-13)*
Act 167	Pennsylvania's Storm Water Management Act, enacted in 1978
Borough's O&M Ordinance	Borough's MS4 Operation and Maintenance (O&M) Ordinance (Ordinance No. 2012-07, adopted July 2012)

ACRONYMS AND ABBREVIATIONS USED IN REPORT

Acronym or Abbreviation	Corresponding Term
ARWA	Abington Regional Water Authority
BMP	best management practice
CCD	county conservation districts
DEP	[Pennsylvania] Department of Environmental Protection
DPW	[Borough of Clarks Summit] Department of Public Works
EPA	[United States] Environmental Protection Agency
E&S	erosion and sediment
IDD&E	illicit discharge detection and elimination
LCCD	Lackawanna County Conservation District
LID	low impact development
MCM	minimum control measure
MEP	maximum extent practicable
MOU	memorandum of understanding
MS4	municipal separate storm sewer system
NOI	Notice of Intent
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
O&M	operation and maintenance
PCSM	post construction stormwater management
QLP	qualifying local program
SOP	standard operating procedure
SWMP	stormwater management plan

EXECUTIVE SUMMARY

From June 25 through 26, 2014, a compliance inspection team composed of staff from the U.S. Environmental Protection Agency (EPA) Region III and EPA's contractor, PG Environmental, LLC, (collectively the EPA Inspection Team) inspected the municipal separate storm sewer system (MS4) program of the Borough of Clarks Summit, Pennsylvania (the Borough).

Discharges from the Borough's MS4 are regulated by the Pennsylvania Department of Environmental Protection (DEP) *National Pollutant Discharge Elimination System (NPDES), Stormwater Discharges from Small Municipal Separate Storm Sewer Systems General Permit (PAG-13*) PAG-132207 (the Permit). The Borough obtained coverage under the Permit on April 22, 2013. Permit coverage is set to expire on March 15, 2018.

The purpose of this inspection was to obtain information to assist EPA in assessing the Borough's compliance with the requirements of the Permit, as well as the implementation status of its current MS4 program.

Based on the information obtained and reviewed, the EPA Inspection Team made several observations concerning the Borough's MS4 program related to the specific Permit requirements evaluated. Table 1 summarizes the Permit requirements and the observations made by the inspection team.

Table 1. Summary of Permit Requirements and Inspection Observations

Permit Requirement	Observations
Appendix A, MCM #3 – Illicit Discharge Detection and Elimination (IDD&E)	Observation 1. It appeared the Borough had not developed a written program for detecting, eliminating, and preventing illicit discharges (BMP #1).
	Observation 2. During field activities on June 25, 2014, Borough representatives pointed out a stormwater outfall structure and associated inlet structures that were not on the municipality's stormwater system map. Borough representatives stated that once they acquire right-of-way access to the inlets and outfall structure, the inlets presently plugged and covered with filter fabric will be opened. Once online, the Borough's total number of stormwater outfall structures will increase to 17 (BMP #2).
	Observation 3. At the time of the onsite inspection, Borough representatives stated they had not yet completed the map of system assets to include stormwater inlets, piping, catch basins, and swales (BMP #3).
	Observation 4. It appeared Borough representatives had not documented an April 22, 2014 sanitary sewer system leak as an illicit discharge (BMP #4).

Permit Requirement	Observations
Appendix A, MCM #5 – Post-Construction Stormwater Management (PCSM) in New and Redevelopment Activities	Observation 5: At the time of the onsite inspection, the Borough's inventory/map of development and redevelopment projects did not specify which projects had incorporated low impact development (LID) practices (BMP #5). Observation 6: It appeared the Borough did not have an inspection and tracking program/schedule for ensuring proper operation and maintenance of post construction stormwater management (PCSM) BMPs (BMP #6). Observation 7: It appeared the Borough was not tracking the following for its PCSM BMPs: (a) year installed, (b) maintenance required by BMP type, (c) maintenance required, (d) assessment of owner O&M activities, and (e) Borough compliance actions.
Appendix A, MCM #6 – Pollution Prevention / Good Housekeeping for Municipal Operations	Observation 8: At the time of the inspection, Borough representatives informed the EPA Inspection Team they had recently completed an *Operation and Maintenance Program Manual* (dated March 17, 2014) but had not yet fully implemented it nor documented any self-inspection and maintenance activities performed (BMP #2). Observation 9: It did not appear the Borough had a written employee-training program or had documented training activities addressing the prevention or reduction of the discharge of pollutants from municipal operations and activities to the MS4 (BMP #3).

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INTRODUCTION

From June 25 through 26, 2014, a compliance inspection team composed of staff from the U.S. Environmental Protection Agency (EPA) Region III and EPA's contractor, PG Environmental, LLC, (collectively the EPA Inspection Team) inspected the municipal separate storm sewer system (MS4) program of the Borough of Clarks Summit, Pennsylvania (the Borough). The purpose of this inspection was to obtain information to assist EPA in assessing the Borough's compliance with the requirements of the *National Pollutant Discharge Elimination System (NPDES), Stormwater Discharges from Small Municipal Separate Storm Sewer Systems General Permit* (*PAG-13)* No. PAG-132207 (the Permit) issued by Pennsylvania's Department of Environmental Protection (DEP). The EPA Inspection Team experienced dry weather conditions during the onsite inspection activities.

Appendices 1 and 2 of this report contain copies of the Permit and the Borough's latest Notice of Intent (NOI), respectively. Part A.2.a. of the Permit requires permittees to "implement, enforce and report on the Stormwater Management Program (SWMP) as set forth in Appendix A, designed to reduce the discharge of pollutants from the regulated small MS4s to the MEP [maximum extent practicable], to protect water quality and quantity, and to satisfy the appropriate water quality requirements of the Clean Water Act, the Pennsylvania Clean Streams Law, and regulations promulgated thereto." The SWMP outlines DEP's approved best management practices (BMPs) and measurable goals for the six federal minimum control measures (MCMs). In this report, readers should interpret the term "Permit" to include the SWMP.

The EPA Inspection Team obtained its information through a series of phone and in-person interviews with Borough representatives, along with a series of site visits, record reviews, and field verification activities. The inspection schedule is presented in Appendix 3. The following primary representatives were involved in the inspection:

Borough Representatives:	Ms. Virginia Kehoe, Manager
	Mr. Jay Miller, Equipment Operator, Department of Public Works
	Mr. Jude Colwell, Borough Engineer (Colwell-Naegele Associates)
	Mr. Bob Naegele, Borough Engineer (Colwell-Naegele Associates)
	Mr. Mike Fenick, Engineer (Colwell-Naegele Associates)
EPA Representatives:	Mr. Peter Gold, EPA Region III
	Mr. Chuck Schadle, EPA Region III
DEP Representatives:	Mr. Paul Grella, Environmental Engineer
	Mr. Jeremy Miller, Water Quality Specialist
EPA Contractors:	Mr. Jake Albright, PG Environmental, LLC
	Ms. Jan McGoldrick, PG Environmental, LLC

A sign-in sheet from the onsite inspection is included as Appendix 4.

BOROUGH OF CLARKS SUMMIT BACKGROUND

According to the U.S. Census Bureau, the Borough has a total land area of 1.59 square miles and an estimated population of 5,116 (2010). The Borough has a separate storm sewer system, which, according to Borough representatives, includes 16 stormwater outfalls. Nine of these outfalls discharge to Leggetts Creek, and the remainder discharge to Ackerly Creek. Both creeks ultimately flow to the Susquehanna River, which drains to the Chesapeake Bay. The Abington Regional Wastewater Authority (ARWA) provides wastewater treatment for the Borough and two other communities (South Abington Township and Clarks Green Borough). The contributing municipalities own and operate the wastewater collection systems within their respective boundaries.

The Borough Manager (Ms. Virginia Kehoe) stated during a June 17, 2014 pre-inspection conference call and during the onsite inspection that she is the individual primarily responsible for the operation and maintenance of the MS4. She stated that seven staff members, six full-time and one part-time, within the Borough's Department of Public Works (DPW) provide periodic support to the program, and two professional engineers with the firm of Colwell-Naegele Associates serve under contract as the Borough's engineers. According to Borough representatives, the municipality annually assesses a sewer fee upon its residents. It uses the income generated to fund sanitary sewer and MS4 projects. The fee varies each year based on the nature of projects scheduled. The Borough pays staff salaries (Borough Manager and DPW personnel) from its general fund.

During onsite discussions, the Borough Manager explained wastewater and stormwater from adjacent and upgradient communities flow through the Borough. She also explained growth in Clarks Summit is limited, while the adjacent communities are developing. As a result, Clarks Summit is experiencing increased problems related to stormwater. The DEP representative (Mr. Paul Grella) suggested the Borough consider working with the other communities to submit a joint MS4 permit application in the future.

INFORMATION OBTAINED RELATIVE TO PERMIT REQUIREMENTS

The EPA Inspection Team obtained documentation and other supporting information to evaluate compliance with the Permit prior to, during, and after meeting onsite with Borough staff. Observations regarding the Borough's implementation of Permit requirements are presented in this report. The presentation of inspection observations in this report does not constitute a formal compliance determination or notice of violation.

Referenced documentation used as supporting information is provided in Appendix 5, Exhibit Log, and photograph documentation is provided in Appendix 6, Photograph Log. A complete list of documents obtained is provided in Appendix 7, Document Log.

On June 12, 2014, the EPA Inspection Team formally provided the Borough with a written list of requested records (hereinafter, EPA Records Request; see Appendix 5, Exhibit 1), the applicable ones of which were made available to the EPA Inspection Team prior to and during the onsite

inspection. In addition, the Borough provided a completed table in response to the records request (see Appendix 5, Exhibit 2) during the closing conference on June 26, 2014. The EPA Inspection Team requested a few additional items from the Borough during the closing conference and via electronic mail (e-mail) on July 7, 2014. The Borough supplied the material within one day of each request.

This report describes and outlines specific Permit requirements and associated observations made during the inspection. The format of the report follows the numeric system used in the Permit and is sequential. Sections of the Permit are restated with observations concerning those requirements listed below.

MINIMUM CONTROL MEASURE 3: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDD&E)

Appendix A, MCM #3, BMP #1—"You shall develop and implement a written program for the detection, elimination, and prevention of illicit discharges into your regulated MS4s. Your program shall include dry weather field screening of outfalls for non-stormwater flows, and sampling of dry weather discharges for selected chemical and biological parameters. Test results shall be used as indicators of possible discharge sources. The program shall include the following:

- Procedures for identifying priority areas. These are areas with a higher likelihood of illicit discharges, illicit connections or illegal dumping. Priority areas may include areas with older infrastructure, a concentration of high-risk activities, or past history of water pollution problems.
- Procedures for screening outfalls in priority areas during varying seasonal and meteorological conditions.
- Procedures for identifying the source of an illicit discharge when a contaminated flow is detected at a regulated small MS4 outfall.
- Procedures for eliminating an illicit discharge.
- Procedures for assessing the potential for illicit discharges caused by the interaction of sewage disposal systems (e.g., on-lot septic systems, sanitary piping) with storm drain systems.
- Mechanisms for gaining access to private property to inspect outfalls (e.g., land easements, consent agreements, search warrants).
- Procedures for program documentation, evaluation and assessment."

Observation 1: At the time of the onsite inspection, Borough representatives explained they had not developed a written program for detecting, eliminating, and preventing illicit discharges. The EPA Inspection Team requested but Borough representatives did not provide written procedures describing how the municipality (a) identifies and eliminates illicit discharges and (b) assesses the potential for illicit discharges caused by the interaction of sewage disposal systems (e.g., on-lot septic systems and sanitary piping) with storm drain systems.

Despite having no formal written procedures, Borough representatives stated the municipality screens all 16 of its storm drain outfalls during dry weather on a quarterly basis. This screening frequency is greater than that required under the measurable goal specified under MCM #3, BMP #4 below (i.e., once per Permit term or annually for areas where past problems have been reported or known sources of dry weather flows occur on a continual basis). Borough representatives provided the EPA Inspection Team with their latest outfall field screening records, which contained completed inventory field sheets and photographs of each of the 16 mapped outfalls (see Appendix 5, Exhibit 3).

Appendix A, MCM#3, BMP #2—"Develop and maintain a map of your regulated small MS4. The map must also show the location of all outfalls and the locations and names of all surface waters of the Commonwealth (e.g., creek, stream, pond, lake, basin, swale, [and] channel) that receive discharges from those outfalls."

Measurable Goal—"For renewal permittees, the existing map(s) of your regulated small MS4 shall be updated and maintained as necessary during each year of coverage under the permit."

Observation 2: During field activities conducted on June 25, 2014, Borough representatives presented the EPA Inspection Team with an outfall they had identified that is not on the municipality's stormwater system map (either the hardcopy or portable document format version) (see Appendix 6, Photograph 1). The outlet structure was located at the base of a steeply sloped driveway servicing two homes off Linden Street in the northeastern section of the MS4, close to the boundary line with the Borough of Clarks Green. The Borough Engineer (Mr. Jude Colwell) pointed out three stormwater inlet structures—one at the top of the driveway, a second in the middle of the driveway, and a third on the lawn at the base of the driveway between the two homes (see Appendix 6, Photographs 2, 3 and 4). He stated that the three inlet structures would ultimately drain to the unidentified outfall structure noted above but that they were currently plugged and covered with filter fabric (see Appendix 6, Photographs 5 and 6). The Borough Engineer further stated that the inlet structures receive overland drainage from upgradient properties, which straddle the line between the Borough of Clarks Summit and the Borough of Clarks Green. The Borough Manager (Ms. Virginia Kehoe) stated the Borough of Clarks Summit was working to acquire the right-of-way for the driveway inlets before unplugging them and allowing them to flow to the above-noted stormwater outfall. This outfall structure, once online, will bring the Borough's total count of storm water outfall structures to 17.

Appendix A, MCM #3, BMP #3—"In conjunction with the map(s) created under BMP #2 (either on the same map or on a different map), new permittees shall show, and renewal permittees shall update, the entire storm sewer collection system including roads, inlets, piping,

swales, catch basins, channels, basins, and any other features of the permittee's storm sewer system including municipal boundaries and/or watershed boundaries."

Measurable Goal—"For renewal permittees, update and maintain the map(s) as necessary during each year of permit coverage."

Observation 3: At the time of the onsite inspection, Borough representatives stated they had not yet expanded the map they created under BMP #2 to show stormwater inlets, piping, catch basins, and swales. The Borough Manager (Ms. Virginia Kehoe) stated she is 99 percent confident the MS4 program budget for the next fiscal year will include funding to add the required components to the map. BMP #3 was not a required element in the previous version of the Permit.

As requested, Borough representatives provided the EPA Inspection Team with a map (portable document format or PDF) of the regulated small MS4 (Appendix 5, Exhibit 4) generated using AutoCAD (computer-aided design) software in advance of the onsite inspection. They provided the team with a hardcopy larger version of the map during onsite discussions. The EPA Inspection Team confirmed the map shows the location of the Borough's 16 stormwater outfalls and the locations and names of the surface waters receiving discharges from those outfalls, but does not include stormwater inlets, piping, catch basins, and swales.

Appendix A, MCM #3, BMP #4—"Following the IDD&E program created pursuant to BMP #1, the permittee shall conduct outfall field screening, identify the source of any illicit discharges, and remove or correct any illicit discharges using procedures developed under BMP #1."

Measurable Goal—"For renewal permittees, each of the identified regulated small MS4 outfalls shall be screened at least once during each permit coverage term. For areas where past problems have been reported or known sources of dry weather flows occur on a continual basis, outfalls shall be screened annually… All outfall inspection information shall be recorded on the Outfall Reconnaissance Inventory/Sample Collection field sheet (attached below) excerpted from the *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assistance* (CWP, October 2004). Adequate written documentation shall be maintained to justify a determination that an outfall flow is not illicit. If an outfall flow is illicit, the actions taken to identify and eliminate the illicit flow also shall be documented. The results of outfall inspections and actions taken to remove or correct illicit discharges shall be summarized in periodic reports."

Observation 4: During onsite discussions, it appeared to the EPA Inspection Team the Borough had not documented an April 22, 2014 sanitary sewer system leak as an illicit discharge event. The Permit requires the Borough to maintain records of illicit discharge investigations and corrective action work performed.

Borough representatives stated that on April 22, 2014, the municipality experienced a leak in a sanitary sewer trunk line behind the Abington Shopping Center at 1000 State Street, Clarks Summit, near the boundary with Abingdon Township. (Abington Township is one of the contributing jurisdictions to the ARWA treatment plant.) They explained the leak occurred in their MS4 but was draining to an area in which they believe an Abington Township stormwater inlet is located. The representatives further explained the Borough had investigated and addressed the issue as a wastewater leak. When asked by the EPA Inspection Team if they had documented the event as an illicit discharge, Borough representatives stated they had not. The DEP representative (Mr. Paul Grella) stated his agency would expect the Borough to identify the incident as an IDD&E event in its next MS4 annual report.

On July 16, 2014, a DEP representative (Mr. Jeremy Miller) forwarded the EPA Inspection Team a copy of a notice of violation (NOV) DEP issued to the Borough on July 7, 2014 with respect to the above incident (Appendix 5, Exhibit 5). The NOV cites the Borough under the state's Clean Streams Law and associated regulations for an unpermitted discharge and for failing to notify DEP immediately by telephone of the location and nature of the pollution. Please note that DEP issued the NOV under the state's broader NPDES authorities and not for a violation of the MS4 Permit.

MINIMUM CONTROL MEASURE 4: CONSTRUCTION SITE STORMWATER RUNOFF CONTROL

The Permit fact sheet states:
"DEP implements a state-wide erosion and sediment pollution control program applicable to any earth disturbance activity [for earth disturbance projects one or more acres in size]. In sixty-six of Pennsylvania's sixty-seven counties, a significant portion of this program is delegated by DEP to county conservation districts (CCD) through a written delegation agreement. Under this statewide regulatory program, persons proposing or conducting earth disturbance activities are required to develop and implement an Erosion and Sediment Control Plan ('E&S Plan') containing erosion and sediment ('E&S') control BMPs which minimize the potential for accelerated erosion and sedimentation during construction activities and post construction stormwater management (PCSM) after construction. This DEP statewide regulatory program and its associated E&S control and PCSM BMPs in MCM #4 (Construction Site Stormwater Runoff Control) and MCM #5 (Post Construction Stormwater Management) satisfy the qualifying local program (QLP) requirements established under federal regulation at 40 CFR § 122.34(c)."

Appendix A, MCM #4, BMPs #1–4—"If you checked Option MCM #4.A in Section E(4)-(5) of the NOI, then you are relying on DEP's statewide QLP for issuing NPDES Permits for Stormwater Discharges Associated with Construction Activities to satisfy all requirements under this MCM #4 and under BMPs #1 through #3 of MCM #5; therefore, all requirements are met for both this MCM #4 and BMPs #1 through #3 of MCM #5."

The Borough selected Option MCM #4.A in section E(4)-(5) of the NOI (see Appendix 2), which states, "The permittee will rely on DEP's statewide program for issuing NPDES Permits for Stormwater Discharges Associated with Construction Activities to satisfy all requirements under MCM #4 and all requirements under BMPs #1 through #3 of MCM #5. In this case, the permittee is not required as a condition of this permit to implement any of the BMPs listed under MCM #4 nor any of the first three (3) BMPs listed under MCM #5 in Appendix A of the Authorization to Discharge."

During onsite discussions, Borough representatives stated the municipality relies on the Lackawanna County Conservation District (LCCD) to review and approve E&S plans and conduct site inspections for projects one or more acres in size. Borough representatives stated, at the time of the audit, the LCCD was inspecting every construction project, though it apparently had not been doing so until recently due to staffing constraints.

A DEP representative (Mr. Paul Grella) asked whether the Borough has a memorandum of understanding (MOU) with LCCD for E&S plan review and inspection services. Borough representatives stated they were unaware of any such agreement. The DEP representative said he would be recommending to the regional MS4s that they develop such agreements. The Borough Manager (Ms. Virginia Kehoe) asked if DEP could provide example MOUs. The DEP representative made note of the request. One of the EPA inspectors (Mr. Peter Gold) also noted he might have examples he could provide.

A Borough Engineer (Mr. Bob Naegele) stated the municipality is required under its subdivision and land development, building, and zoning ordinances (respectively, Ordinance Nos. 2012-03, 2004-03, and 2002-01 including subsequent amendments) to perform E&S plan review and inspection for construction activities on projects less than one acre in size. The Borough Engineer stated the ordinances are consistent from a stormwater management perspective with the approved Act 167 Plan of Lackawanna County. (Pennsylvania's Storm Water Management Act (Act 167), enacted in 1978, requires counties to adopt watershed-based stormwater management plans, and it requires municipalities to adopt and implement ordinances to regulate development consistent with these plans. Lackawanna County has a DEP-approved Act 167 Plan.) The Borough Engineer stated the MS4 contracts out its building inspection activities to a state-approved third party inspection agency.

MINIMUM CONTROL MEASURE 5: POST-CONSTRUCTION STORMWATER MANAGEMENT (PCSM) IN NEW AND RE-DEVELOPMENT ACTIVITIES

Appendix A, MCM #5—"If you checked Option MCM #4.A in Section E(4)-(5) of the NOI, then you are relying on DEP's statewide QLP for issuing NPDES Permits for Stormwater Discharges Associated with Construction Activities to satisfy all requirements under BMPs #1 through #3 of this MCM #5; therefore, all requirements are met for BMPs #1through #3 of this MCM #5 and for all requirements under MCM #4."

The Borough selected Option MCM #4.A in section E(4)-(5) of the NOI (see Appendix 2), which states, "The permittee will rely on DEP's statewide program for issuing NPDES Permits

for Stormwater Discharges Associated with Construction Activities to satisfy all requirements under MCM #4 and all requirements under BMPs #1 through #3 of MCM #5. In this case, the permittee is not required as a condition of this permit to implement any of the BMPs listed under MCM #4 nor any of the first three (3) BMPs listed under MCM #5 in Appendix A of the Authorization to Discharge."

DEP's MS4 Website and manuals indicate that developers demonstrate via their PCSM plans how they will control the rate, volume, and quality of stormwater discharges on their respective MS4 project sites. All permitted developments must capture the two-year, 24-hour storm event and encourage infiltration of the captured water in addition to improving water quality with some type of BMP, such as bioretention area. Applicants must design their PCSM plans in accordance with local MS4 ordinances and DEP-approved Act 167 plans.

County conservation districts review PCSM plans for completeness; they do not review them for technical acceptability as they do with E&S plans. A project engineer, landowner, or earthmover is responsible for the design of a PCSM plan as well as for the structural integrity and installation of the stormwater management facility. Borough Engineers (Messrs. Bob Naegele and Jude Colwell) stated they review PCSM plans against the Borough's MS4 Operation and Maintenance (O&M) Ordinance (Ordinance No. 2012-07, adopted July 2012). They also stated they periodically visit construction sites informally if they believe necessary; however, they have not to date focused on inspecting the installation of PCSM BMPs.

Appendix A, MCM #5, BMP #5—"Develop and implement measures to encourage and expand the use of Low Impact Development (LID) in new and redevelopment. Measures also should be included to encourage retrofitting LID into existing development."

Measurable Goal—"In your inventory of development and redevelopment projects authorized for construction since March 10, 2003, that discharge stormwater to your regulated MS4s, indicate which projects incorporated LID practices and for each project list and track the BMPs that were used."

Observation 5: At the time of the onsite inspection, the Borough's inventory/map (see Appendix 5, Exhibit 4) of development and redevelopment projects did not specify which projects had incorporated LID practices. With regard to encouraging and expanding the use of LID practices, the Borough Manager (Ms. Virginia Kehoe) stated the municipality's code officer provides developers and landowners with a brochure containing information on LID practices.

During onsite discussions, Borough representatives indicated the municipality has six BMPs, all of which it has identified on its map. Each of the six BMPs is privately owned. Four of the six consist of aboveground detention basins, while the remainder are underground. Only one of the six BMPs was installed after 2003—the underground detention structure at CareGivers America, which is located at 718 South State Street.

Appendix A, MCM #5, BMP #6—"Ensure adequate operation and maintenance of all post-construction stormwater management BMPs installed at all qualifying development or redevelopment projects (including those owned or operated by the permittee)."

Measurable Goals—Two measureable goals are associated with this BMP:

(1) "Within the first year of coverage under this permit, new permittees shall develop and implement a written inspection program to ensure that stormwater BMPs are properly operated and maintained. The program shall include sanctions and penalties for non-compliance. All permittees shall review and update the inspection program annually and shall continue to implement this BMP."

(2) "An inventory of PCSM BMPs shall be developed by permittees and shall be continually updated during the term of coverage under the permit as development projects are reviewed, approved, and constructed. This inventory shall include all PCSM BMPs installed since March 10, 2003 that discharge directly or indirectly to your regulated small MS4s. The inventory also should include PCSM BMPs discharging to the regulated small MS4 system that may cause or contribute to violation of water quality standard. The inventory shall include:

- all PCSM BMPs that were installed to meet requirements in NPDES Permits for Stormwater Discharges Associated with Construction Activities approved since March 10, 2003. [sic]
- the exact location of the PCSM BMP (e.g., street address);
- information (e.g., name, address, phone number(s)) for BMP owner and entity responsible for BMP Operation and Maintenance (O&M), if different from BMP owner;
- the type of BMP and the year it was installed;
- maintenance required for the BMP type according to the Pennsylvania Stormwater BMP Manual or other manuals and resources;
- the actual inspection/maintenance activities for each BMP;
- an assessment by the permittee if proper operation and maintenance occurred during the year and if not, what actions the permittee has taken, or shall take, to address compliance with O&M requirements."

The Permit further recommends the City "develop a single system that supports recording and tracking the information specified in BMPs #3, #4 and #5 [of MCM #5]."

Observation 6: At the time of the inspection, Borough representatives stated they did not have an inspection and tracking program/schedule for ensuring proper operation and maintenance of PCSM BMPs.

Subsequent to onsite discussions, the EPA Inspection Team reviewed the Borough's O&M Ordinance. It appears the ordinance provides the Borough the authority to inspect PCSM BMPs and to ensure compliance with approved O&M activities. It requires developers and landowners to

identify and record stormwater management BMPs as deed restrictions or conservation easements that run with the land. The ordinance further requires property owners to record a signed agreement indicating they will operate and maintain stormwater management facilities according to an approved schedule, and it authorizes the Borough to conduct periodic inspections of them. The ordinance also authorizes the Borough to perform maintenance services of PCSM facilities when an owner has failed to do so. The Borough may charge the owner for the expenses incurred and may place a lien against the property for nonpayment of fees.

As noted under Observation 5, at the time of the inspection only one PCSM BMP had been installed in the Borough since 2003—the underground detention facility at CareGivers America. The as-built plan, which the Borough provided the EPA Inspection Team, is dated May 18, 2012. Since the plan precedes the date of the Borough's O&M Ordinance (July 2012), it appeared to the EPA Inspection Team the Borough had not yet had an opportunity to require a developer or landowner to record stormwater management BMPs as deed restrictions or conservation easements that run with the land, nor had it had an opportunity to enforce these provisions. During onsite discussions, a Borough Engineer (Mr. Bob Naegele) stated the ordinance necessitates the municipality develop inspection and tracking procedures for PCSM BMPs.

During a June 25, 2014 field visit to CareGivers America, the Borough Engineer (Mr. Bob Naegele) observed the developers had not installed the approved BMP according to the plan. He stated the plan called for the cap on the end of a storm drain inlet pipe to have a circular orifice cut into it (see Appendix 6, Photographs 7 through 10). The Borough Manager (Ms. Virginia Kehoe) and Borough Engineer (Mr. Bob Naegele) both indicated they would follow up with the project engineer and/or contractor to rectify the mistake.

Observation 7: At the time of the inspection, it appeared the Borough was not tracking the following information for each of the PCSM BMPs: (a) the year the BMP was installed, (b) maintenance required for the BMP by type, (c) actual inspection/maintenance activities for the BMP, (d) an assessment of whether owners have performed proper O&M activities in the past year, and (e) actions the Borough has taken or will take to address compliance with O&M requirements.

MINIMUM CONTROL MEASURE 6: POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

Appendix A, MCM #6, BMP #2—"Develop, implement and maintain a written operation and maintenance (O&M) program for all municipal operations and facilities that could contribute to the discharge of pollutants from the regulated small MS4s, as identified under BMP #1. This

program (or programs) shall address municipally owned stormwater collection or conveyance systems, but could include other areas (as identified under BMP #1). The O&M program(s) should stress pollution prevention and good housekeeping measures, contain site-specific information, and address the following areas:

- Management practices, policies, procedures, etc. shall be developed and implemented to reduce or prevent the discharge of pollutants to your regulated small MS4s. You should consider eliminating maintenance-area discharges from floor drains and other drains if they have the potential to discharge to storm sewers.
- Maintenance activities, maintenance schedules, and inspection procedures to reduce the potential for pollutants to reach your regulated small MS4s. You also should review your procedures for maintaining your stormwater BMPs.
- Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, fleet or maintenance shops with outdoor storage areas, and salt / sand (anti-skid) storage locations and snow disposal areas.
- Procedures for the proper disposal of waste removed from your regulated small MS4s and your municipal operations, including dredge spoil, accumulated sediments, trash, household hazardous waste, used motor oil, and other debris."

Measurable Goal—"During the first year of permit coverage, new permittees shall develop and implement a written O&M program that complies with BMPs #1 and #2. Renewal permittees shall continue to implement their existing program. All permittees shall review the O&M program annually, edit as necessary, and continue to implement during every year of permit coverage."

Observation 8: At the time of the inspection, Borough representatives informed the EPA Inspection Team they had recently completed an *Operation and Maintenance Program Manual* (dated March 17, 2014) (see Appendix 5, Exhibit 6) but had not yet fully implemented it nor documented any self-inspection and maintenance procedures performed. Borough representatives provided the EPA Inspection Team with a copy of the recently completed manual. After a brief review of the manual, the EPA Inspection Team observed it does not contain the Borough's list of facilities and activities that have the potential for generating stormwater runoff to the regulated small MS4.

During a site visit to the DPW maintenance facility on June 25, 2014 (see Appendix 6, Photographs 11 through 27), it appeared to the EPA Inspection Team the Borough had not yet implemented procedures described in its O&M manual. During the visit, the EPA Inspection Team observed the following:

a. The salt storage appeared to be exceeding the limits of the shed. The EPA Inspection Team observed evidence of salt runoff from the storage shed (see Appendix 6, Photographs 15 through 18). The Borough's O&M manual contains protocols for storing materials such

as road salt, which include the following practices: "Do not 'overload' storage areas; provide ample room for access and inspections; sweep loading areas after use; and consider berms or similar to channel runoff to containment or treatment devices."

b. The berm around the back and side borders of the property appeared eroded or overfilled in a couple of areas. Some gravel from a materials stockpile was observed to have migrated offsite onto neighboring property (see Appendix 6, Photograph 19).

c. When visiting the DPW maintenance facility, the EPA Inspection Team observed what appeared to be a stormwater outfall that was not included on the Borough's map (see Appendix 6, Photographs 20, 21, and 22). The DEP representative (Mr. Paul Grella), however, informed the EPA Inspection Team the outfall was not a stormwater outfall because it drained to a ditch, which DEP does not consider "waters of the Commonwealth."

d. When inspecting the inside of the vehicle maintenance garage, the Borough Engineer (Mr. Bob Naegele) stated the floor drains flow to the stormwater system (i.e., the drainage ditch at the back of the property). He further noted the drains could likely be re-routed to the sanitary sewer system (see Appendix 6, Photographs 23, 24, and 25). The EPA Inspection Team suggested the Borough consider plugging the drains until this adjustment is made.

e. Borough representatives stated vehicle washing occurs in an outdoor area at the front of the maintenance yard lot. The wash water drains to the drainage ditch at the back of the property (see Appendix 6, Photograph 26). The Borough's O&M manual notes, "The optimal location for a wash area is indoors where connection to the sanitary sewer is more easily achieved and exposure to rain events are [sic] essentially eliminated." The manual also recommends development of a closed-loop system so wash water can be reused (draining to a sump with a filter prior to discharge) and consideration of an oil/water separator. With regard to outdoor washing operations, the O&M manual states, "Construct berms and identify delineation of wash area to assure containment of wash water."

f. The lid to the trash dumpster was open (see Appendix 6, Photograph 27). The Borough's O&M manual states that dumpster lids should be kept closed.

Appendix A, MCM #6, BMP #3—"Develop and implement an employee training program that addresses appropriate topics to further the goal of preventing or reducing the discharge of pollutants from municipal operations to your regulated small MS4s. The program may be developed and implemented using guidance and training materials that are available from federal, state or local agencies, or other organizations. Any municipal employee or contractor shall receive training. This could include public works staff, building / zoning / code

enforcement staff, engineering staff (on-site and contracted), administrative staff, elected officials, police and fire responders, volunteers, and contracted personnel. Training topics should include operation, inspection, maintenance and repair activities associated with any of the municipal operations / facilities identified under BMP #1. Training should cover all relevant parts of the permittee's overall stormwater management program that could affect municipal operations, such as illicit discharge detection and elimination, construction sites, and ordinance requirements."

Measurable Goals—Two measurable goals are described:

(1) "During the first year of permit coverage, new permittees shall develop and implement a training program that identifies the training topics that will be covered, and what training methods and materials will be used. Renewal permittees shall continue to operate under their existing program. All permittees shall review the training program annually, edit it as necessary, and continue to implement it during every year of permit coverage."

(2) "Your employee training shall occur at least annually (i.e., during each permit coverage year) and shall be fully documented in writing and reported in your periodic reports. Documentation shall include the date(s) of the training, the names of attendees, the topics covered, and the training presenter(s). Guidance: The training requirements of this BMP can be met in various ways. Training can be:

- formal or informal;
- conducted on-site or off-site;
- conducted on-the-job or during dedicated training periods;
- conducted one-on-one or in a group setting (including with staff from other MS4s);
- conducted by municipal staff or consultants/volunteers;
- conducted via oral presentations/instructions and/or via written materials (e.g., SOP's [sic; standard operating procedures], guidance manuals, tests)."

Observation 9: It did not appear the Borough had a written employee-training program or had documented training activities addressing the prevention or reduction of the discharge of pollutants from municipal operations and activities to the MS4. The Borough's MS4 annual report for March 10, 2012 through April 21, 2013 states, "Training not performed during reporting period." During onsite discussions, the Borough representatives stated that DPW staff receive contractor-supplied training every Monday; however, this training focuses mainly on safety issues.